



The Florida Law Practice

LINK

For Florida Lawyers – By Florida Lawyers

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Failure to Pay Your Federal Taxes May Expose Your Assets

by Camille J. Iurillo and Gina M. Pellegrino

In the spirit of tax season (not quite the same as the holiday season), we decided it might be thought provoking to write an article addressing the rights of the Internal Revenue Service as a creditor compared with the rights of other judgment creditors. For example, you meet with a client and they advise you that they have an IRA, a 401K, an annuity, a life insurance policy and a homestead property, all of which have been created and maintained by their financial advisor. The client then states to you that it is their understanding that no creditors can levy on these assets even if judgments are obtained against the client. Further into your discussion with the client you learn that the client owes federal taxes to the IRS. Can the IRS levy on these assets?

Before we address the rights of the IRS as a creditor, first, it may be helpful to provide a brief discussion of Florida's exemption laws as they relate to other judgment creditors, typically.

Generally speaking, under Fla. Stat. § 222.21, IRAs and 401Ks are exempt from levy by judgment creditors if they are the type specifically enumerated under s. 401(a), s. 403(a), s. 403(b), s. 408, s. 408A, s. 409, s. 414, s. 457(b), or s. 501(a) of the Internal Revenue Code. See, Fla. Stat. § 222.21. Thus, an IRA or 401K must be created and maintained in compliance with the applicable Internal

Revenue Code provisions in order for it to be deemed exempt under Florida law. Determining whether a specific IRA or 401K is in compliance with the Internal Revenue Code provisions is an issue for a tax attorney, accountant, or attorney versed in analyzing whether specific retirement accounts fall under the applicable Internal Revenue Code provisions and Florida Statutes.

With respect to annuities, Fla. Stat. § 222.14 provides that "the proceeds of annuity contracts issued to citizens or residents of the state, upon whatever form, shall not in any case be liable to attachment, garnishment or legal process in favor of any creditor of the person who is the beneficiary of such annuity contract." Therefore, under Florida law, annuities may be exempt from levy by judgment creditors. However, simply because an annuity is called an "annuity" does not make it exempt. In order for an annuity to be deemed exempt, it must meet the required characteristics of which, generally speaking, there are four: 1) it must be identified as an annuity, pursuant to Fla. Stat. § 222.14 and the applicable case law, see *In re Solomon*, 95 F.3d 1076, 1078 (11th Cir. 1996); 2) the individual claiming the exemption must be the beneficiary of the annuity, pursuant to Fla. Stat. § 222.14 and the applicable case law, see *In re Belue*, 238 B.R. 218, 222 (Bankr. S.D. Fla. 1999); 3) a court will consider whether the annuity issuer,

such as an insurance company for example, is responsible for distributing the funds in accordance with the annuity contract, see, *Belue*, 238 B.R. at 222; and 4) a court will consider whether the payments received by the beneficiary are a payment stream upon maturity, for a term of years or for the lifetime of the beneficiary, see, *Belue*, 238 B.R. at 219, see also, *Goldenberg v. Sawczak*, 791 So.2d 1078, 1083 (Fla. 2001).

Regarding life insurance policies, presuming that your client is the insured under the policy and another individual is the beneficiary under the policy, then the proceeds of the policy would be exempt and a judge

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Message from the Chair

by Linda Calvert Hanson

While in St. Kitts during the GPSSF out-of-country CLE held over Memorial Day weekend I had the opportunity to reflect on the section's path since I assumed the chair role last June. It revealed not only how incredibly busy this year has been, but also what a gratifying opportunity it has been to serve the section while actively seeking ways to increase value to all members.

The new Membership and Benefits Committee, led by Chair Pete Muschott, kicked off its efforts last July by emailing an electronic Membership Survey to GPSSF members. This tool provided invaluable information about the section's composition as well as insight into which section-provided services and resources are most valued, how to better connect with and best serve members' needs. Of the respondents, 95% of whom are in private practice, we learned that slightly less than half (47%) have been practicing law for more than 20 years, while 20% have been in practice for less than 5 years. Nearly two-thirds (63%) of all respondents checked that they are solo practitioners, while (30%) are employed in firms of 2-5 attorneys. Around three-fifths of all respondents list practice area knowledge (60%) and professional growth (57%) as primary reasons for joining the Section. At least two-thirds of all respondents list "discounts for CLE seminars and webinars" (76%), "The Link" newsletter

(66%) and "networking opportunities" (58%), as being important benefits offered by the GPSSF Section.

We also gleaned useful information regarding our CLE offerings including that of those respondents who attended a GPSSF Section CLE program within the past two years, over three-fifths (61%) indicate the program(s) to be very good to satisfactory, compared to 8% who rated the program(s) to be unsatisfactory. Respondents revealed their level of interest in attending a seminar/webinar or purchasing CLE materials in various areas as: Law Practice Management (84%), Technology (83%), Substantive Law topics (77%), Marketing 70%, Ethics and Professionalism (61%), Nuts and Bolts of Practice (60%), and Starting a Solo Practice (29%). Comments about CLE's included that some solo and small firm attorneys find the cost of the CLE's to be problematic (i.e. ABA offers free CLE's) and finding time to attend CLE's to be challenging. Given all of the competing interests for current member's and potential new member's time and funds, it was clear that we needed to be committed to analyzing member needs versus the services we provide to best ensure that GPSSF membership was adding value. To do just that, we invited local section members to join the Executive Council (EC) at receptions offered in conjunction with its quarterly meetings around the state and

we also offered a no cost lunch with 1- credit Professionalism CLE in conjunction with the meetings. We were pleased that a number of local section members availed themselves to this initiative and we enjoyed meeting and interacting with them. As another member benefit at the end of May, we teamed up with Alexa Sherr Hartley, President of Premier Leadership Coaching, to provide an additional no cost, CLE "Delivering Outstanding Client Service to Exceed Expectations." In this lunchtime webinar Alexa offered some great tips for enhancing efforts to integrate a client focused perspective in one's practice and also to more fully appreciate the impact of one's thinking and motivational styles on client and staff interaction. We are very grateful for Alexa's willingness to share her knowledge and perspectives with the GPSSF members and are confident that all participants gained ideas that they could immediately put to use in their practice.

In reviewing the GPSSF's CLE offerings this year, I'm pleased to see how "spot on" CLE Chair, Teresa Morgan and her team has been in shaping the CLE topics. Our CLE's are planned out a year in advance, well before we received the survey responses, and yet we met the stated preferences and needs of our members by providing a vital blend of topics in the areas of Law Practice Management, Technology, Substantive Law and Ethics and Professionalism. Six hours of substantive law and one hour of ethics was provided at the well-attended, "Florida Law Update CLE," at the June 2012 Bar convention, coordinated by Program Chair, Jack W. Merritt. This was followed by the section's signature event, "Sixth Annual Solo and Small Firm Conference," held at The Florida Bar mid-year meeting in September in Orlando. Program Chair Peggy Hoyt arranged an interesting array of sessions on two concurrent tracks, Technology or Practice Management, during the day and a half of program-

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ming that offered ten credits of CLE. The always popular “Annual Ethics Update: Ethics Technology and Trust Accounting” that provided five credits in ethics was held in October in Tampa under Program Chair, Gene Shuey’s lead. This was followed by the traditional out-of-country CLE held over Memorial Day weekend where participants gained 4.5 credits in professionalism, law practice management and substantive law in “Practicing the Island Way: St. Kitts,” while relaxing in paradise and developing new friendships. This year we shortened the trip to a long holiday weekend and made it more cost effective to appeal to more members. We were grateful for the assistance provided by section member Nina Dawn Williams and her cousin, Thomas Williams, Executive Vice President & General Manager at the St. Kitts Scenic Railway who was instrumental in helping with logistics and obtaining local dignitaries to join us at our reception. Our speakers, Nancy Stuparich, Risk Manager for FLMIC (our premier sponsor) and St. Kittian attorney, Damian Kelsick provided interesting insights to the participants of the well-attended CLE.

Before leaving the topic of CLE’s I would be remiss to ignore a topic of growing debate. That is, the value of “live” conferences and seminars to solo and small firm attorneys juxtaposed with virtual webinars and CLE’s that are available via 24/7 on demand. While acknowledging the convenience factor of technologically provided seminars in terms of time and travel, the concern is that delivery medium does not foster mentoring or networking. We all understand that the practice of law is about creating, cultivating and developing relationships. Those connections cannot be facilitated as readily in a virtual world. With the ever increasing number of fresh attorneys joining small firms or going solo practicing “kitchen-table law,” we believe that it is critical to provide opportunities for lawyers to interact, in person. In fact, that mission is something that we take to heart and that Teresa Morgan and the committee have strived to creatively build into the Solo and Small Firm Conference each year. It

is also a facet noticed and appreciated by conference attendees who routinely comment on their evaluation forms about how much they appreciated getting to know other lawyers from across the state for potential referrals, and to gain insight on unfamiliar practice areas. So while we do recognize that some attorneys prefer the desktop CLE’s (for whom we provide some webinar and webcasts), we also have made a conscious choice to continue to offer opportunities for lawyers to interact and to build their networks.

Reviewing our public service initiatives, I’m gratified to report that since its inception in 1990, the GPSSF’s L. Michael Roffino Pro Bono Award Program, chaired by Jerry Curington, has awarded almost \$110,000 to legal services programs. The first place cash prize went to the Hillsborough County Bar Association for its *Wills for Heroes Program* and the two co-finalists were Legal Aid Service of Broward County for *Broward Lawyers Care*, and Bay Area Legal Services, Inc. for its *Bay Area Volunteer Lawyers Program*. Also, the section made a sizeable donation to The Florida Bar Foundation in memory of our late, past-chair, Kirk Kirkconnell. Additionally, we integrated a well-received service activity into the Solo Small Firm Conference where we collected and donated t-shirts to an Orlando homeless shelter this year. Another aspect of service is recognizing the contributions of others in two awards programs where Edwin Browning, Jr., was honored as the 2012 Tradition of Excellence Award recipient and Lawrence J. Marraffino was named as recipient of the 2012 of the Walter S. Crumbley Award.

A look at other committee efforts includes that the Technology Committee, chaired by Kevin Johnson, launched the GPSSF members’ listerv. The Publications Committee chaired by Dr. Monica Elliott, publishes the section’s electronic newsletter, *The Link*, and oversees the collection and submission of section articles to *The Florida Bar Journal*. *The Link* now includes an “Affiliates Corner” for paralegals and legal assistants and a “Law Students and

Newer Lawyers Corner” as well. On behalf of the GPSSF’s Agricultural Law Committee, we’re proud to report that EC member, Professor Michael T. Olexa and others had their article, *A Grave Situation: Protecting the Deceased and Their Final Resting Places from Destruction*, published in *The Florida Bar Journal* in November, 2012.

Another new committee, Law Students and Newer Lawyers, under the leadership of Chair Jennifer Dietz began the year by partnering with Florida Lawyers Mutual Insurance Company (FLMIC), and The Young Lawyer Division (YLD) to co-sponsor the 2013 Law Student Essay Contest. The law school outreach visits also resumed in the fall as members of the EC spoke to law students about “Exploring Small Firm Practice.” Additionally, Cynthia Clark, a second-year law student at Stetson University College of Law accepted the position as the law student representative on the EC in December and she also conceived of and formed a Solo and Small Firm Society at Stetson, which quickly grew to 80 law student members and will be detailed elsewhere in this edition of the *Link*.

We are pleased to welcome two new section members to the EC. Former family law practitioner and now hearing officer from Live Oak, Jennifer Kuyrkendall, who is a very active committee member in the Young Lawyers’ Division, joined the Council in January, and Kimberly Menchion, a former solo practitioner in Tallahassee, who is now with the State Department of Transportation, came on in May. The GPSSF Section is 41 years strong this year and we have a remarkable legacy to share. In our value-oriented profession, our goal is to always be mindful of how to best meet all of our members’ needs while continuing to grow and evolve.

In closing I’d like to most gratefully acknowledge Ricky Libbert, the section’s Program Administrator, for all of her efforts and support. She’s a person who is able to make the impossible, possible. This has been a rewarding year and I appreciate the opportunity to have served the GPSSF Section.

- Linda S. Calvert Hanson, Chair

Affiliates Corner

News for Paralegals to Use...

by Priscilla Horn Warren, CP, FRP)

Spring/summertime is upon us! Some of us are already planning vacations, and looking forward to extended hours of sunshine after enduring the cold and rain this winter season.

For those of you who attended last September's GPSSF Annual Conference, you know how much work and planning went into providing us with great speakers and informative topics. As a result, our Section's CLE planners have agreed to hold the next annual Conference on January 24-25, 2014, allowing more time to put together quality programs and speakers. It will be held at the Hilton Walt

Disney World Village in Orlando, so calendar this event now! Please check out our website for more information: www.gpssf.com.

The PAF state chapter is installing new officers at its annual meeting on May 17-18 in Tallahassee, following the 2013 Spring Seminar (theme: "Branching Out: Growing in New Directions"). Please take a look at what the PAF Board is planning for the coming year: www.pafinc.org.

On the national level, please take note of NALA's recent announcement of the Certifying Board's new specifications for the Certified Paralegal

exam. Effective with the September 2013 testing window, modifications have been made to the Substantive Law section. More detailed information can be found at NALA's website: www.nala.org.

Finally, please remember that each of the websites listed above has membership applications for YOU to use, to become more proficient and efficient in your career. Take advantage of their offers to help you be the best you can be!

As always, if I can be of any assistance please do not hesitate to contact me by email: pris2323@yahoo.com.



Results of the 2013 Law Student Essay Contest

Congratulations to **Kevin Crews**, a Stetson University College of Law second year student for his winning essay, "E-filing from the Local Coffee Shop: A Practical Look into Confidentiality, Technology and the Practice of Law." Kevin's article will be published in an upcoming issue of *The Florida Bar Journal*, he will receive a \$750 cash prize, complimentary ticket to attend the Judicial Luncheon at Annual Convention with the Center for Professionalism, and complimentary registration to the GPSSF's 2014 Solo & Small Firm Conference with one night's hotel.

Honorable mention was awarded to **Amber Scott**, a first year student from Barry University School of Law. Her submission is entitled, "Best Practices to Protect Client Confidentiality with Professionalism When Working with Electronic Documents." Ms. Scott's essay will be published in the next edition of the *GPSSF LINK* and she will receive a cash prize of \$350.

This year's essay contest was co-sponsored by Florida Lawyers Mutual Insurance Company, The Florida Bar's General Practice, Solo & Small Firm Section, The Florida Bar Young Lawyers Division, and The Florida Bar's Henry Latimer Center for Professionalism. Due to efforts to promote the program and disseminate information to all Florida law students, this year we received triple the number of submissions from last year. Submissions were received from six different law schools; Stetson University College of Law, Barry University School of Law, Ave Maria School of Law, Thomas M. Cooley Law School, Florida A & M College of Law and Florida Coastal School of Law. It is also worth noting that the entries were written by first, second and third-year law students.

Ask the Risk Manager

by Nancy Stuparich, FLMIC's Risk Manager

Although many weddings occur during the summer months, engagements for legal services happen year round. It's always a good idea to remember the importance of using engagement letters in your law practice to better defend or minimize the risk of a legal malpractice claim. As FLMIC's Risk Manager, I am often asked by an insured lawyer how to best manage an existing situation, which has the potential to develop into a legal malpractice claim. Many times the described "situation" could have been avoided in the first place if the attorney had taken the time to use a written engagement letter, and then actually complied with the terms and conditions contained therein.

Some of the reasons I often hear from lawyers who do not use engagement letters are:

- It's a long-time client. Preparing an engagement letter is a waste of time to restate what we have done and will continue to do for years.
- It takes too much time for me to prepare or find a form engagement letter.
- I don't want to create and raise any issues that could cause the client to not use my services. I want to gradually expand my legal work for this client.
- I travel too much and don't have time to follow-up and document.
- It's a small matter or limited engagement and shouldn't take a lot of time to handle so there is no need to bother with an engagement letter.
- Oh, I forgot.

These reasons are all just excuses and a preamble to a legal malpractice claim.

Using an engagement letter that documents the scope of your legal representation and services, your payment requirements and billing practices, how you and your client will communicate, your client's duties and responsibilities, conditions under which you have the right to terminate services, etc., is a good business practice. Lawyers always tell their clients to "put agreements in writing and have your customer sign it." Lawyers are not

immune from following their own advice.

A written engagement letter gives a lawyer the opportunity to get the client's written consent to the terms and conditions of the engagement, especially fees and costs. If employing good business practice is not enough reason, attorneys should be aware that Rule 4-1.5 of the Florida Rules of Professional Conduct imposes upon them a duty to communicate the basis or rate of fees and costs charged to clients, and preferably in writing. What better opportunity is there to do so than in an engagement letter.

Kudos to those lawyers who have mastered the use of technology to make the routine use of customized engagement letters a "no brainer." A simple text, a short email, and even a voice mail message, followed up by a customized and comprehensive engagement letter can be persuasive documentation and part of an effective strategy to avoid the loss of time and revenue associated with defense of a malpractice claim.

Many thanks to the GPSSF Section and The Florida Bar's Law Office Management Assistance Service for providing attorneys with an abundance of information, resources and seminars regarding how a solo practitioner or small firm can use technology to make documentation of engagements easier. FLMIC's June Advisor

newsletter contains a more in-depth discussion about how documentation by use of engagement letters can help avoid or defend a malpractice claim. A copy of FLMIC's June Advisor newsletter is available free at www.flmic.com/resources.

Florida Lawyers Mutual Insurance Company ("FLMIC") was created by The Florida Bar in the late 1980s as a benefit to its members to provide a perpetual source of professional liability insurance for Florida attorneys. FLMIC is now a mutual company owned by its policyholders, who are all Florida attorneys. This article is intended to provide general information to assist lawyers and their staff to develop and enhance risk management procedures. For advice on specific legal questions, consult experienced legal counsel. For advice on ethical conduct consult The Florida Bar. Implementation of the suggestions in this article are not warranted, expressed or implied to prevent claims nor to establish a standard of care as the conduct recommended may be above the legal standard of due care. While all materials presented are carefully researched, no warranty, express or implied is offered to the accuracy of this information. Reproduction in any manner of the material herein requires written permission.

SAVE THE DATE

January 24-25, 2014

Hilton Walt Disney World Resort

- 2014 Solo Small Firm Conference -

Conquering the Technology Curve

Day 1: Technology 2014: Conquering the Cloud

Day 2: Florida Practice Management 2014: Conquering the Practice

Networking Opportunities Both Days

Law Student/New Lawyer Committee of the GPSSF Executive Council

by Jennifer Dietz, Esq.

The Law Student and New Lawyers Committee of the General Practice, Solo and Small Firm (GPSSF) Executive Council has had a busy year. The following is a look at what has been accomplished by this Committee.

In September 2012, the Solo & Small Firm Conference, sponsored by the GPSSF, was well-attended not only by practicing attorneys, but also by law students from around the state.

Cynthia M. Clark, a first-year law student at Stetson University College of Law, attended the annual GPSSF's Solo & Small Firm Conference. Ms. Clark was impressed by the wealth of information available to those who seek it, and by the willingness of the GPSSF members to help law students and new lawyers. She recognized that there was a need to make this information available to the other Stetson law students. So, in late fall 2012, Clark created a new student organization at Stetson College with its student faculty liaison Jennifer Dietz, a member of the GPSSF Executive Council.

Stetson's Solo & Small Firm Society (SSF Society) focuses on the business of practicing law by providing

practical knowledge that will be useful to future solo and small firm practitioners. The SSF Society also provides students with opportunities to network through panel discussions, brown bag lunches, and evening networking events, with solo and small firm practitioners in the Tampa Bay legal community.

Spring 2013 was the SSF Society's first semester in operation. The Society sponsors monthly Brown Bag Lunches, where a local solo or small firm attorney comes to campus to share a casual lunch with no more than five students. These lunches have led to other opportunities for some of the participating students, such as invitations to visit the lawyer's office, to shadow the attorney, or to attend other networking events within the legal community. The Society also held a 3-attorney panel in a Q&A format with the questions coming directly from the students. Questions ranged from how to set fees to the benefits and drawbacks of a virtual law office. In February, Ms. Clark started the Solo & Small Firm Society Facebook page, which she uses to provide helpful and relevant information to the group's members. In April 2013, the Society closed out

the semester with a casual evening meet and greet. To keep it personal, only ten attorneys were invited.

In the fall, the SSF Society is lining up a variety of speakers on topics such as marketing and website design, opportunities in small firms, and the practical aspects of owning and running an elder law firm. The Stetson law students have responded positively to the information provided by the SSF Society, and as more students look realistically at the legal job situation, its relevance and appeal will likely continue to grow.

Using the Stetson model, the University of Florida is creating a Solo and Small Firm Society. We look forward to learning of their activities in the future.

Ms. Cynthia Clark has accepted the invitation of the Executive Council of the GPSSF Section of the Florida Bar to be the law student representative to the Executive Council. The GPSSF Executive Council has been very supportive of each of the law schools in the area of general practice, small and solo firm practice, and practice management.

Members of the GPSSF Executive Council have also attended various law schools throughout the state. GPSSF Executive Council members attended the following law schools to discuss the advantages of joining the GPSSF Section upon admittance to the Florida Bar: Frank Maloney and Ernie Sellars spoke to the law students at the University of Florida; Craig Ferrante met law students at Ave Maria University; and Bob Wayne and Linda Calvert Hanson spoke at St. Thomas University and Florida International University law schools.

The Law Student and New Lawyers Committee of the GPSSF plans to reach out to as many law students and newer attorneys throughout the coming year about the advantages of being a member of the GPSSF Section and to promote the GPSSF Solo & Small Firm Conference to be held in January 2014.

THE FLORIDA BAR

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NEW ADVERTISING RULES ADOPTED

The Supreme Court of Florida has issued new advertising rules, which will be effective at 12:01 a.m. on May 1, 2013. *In re: Amendments to the Rules Regulating The Florida Bar - Subchapter 4-7, Lawyer Advertising Rules*, 38 Fla. L. Weekly S47 (Fla. Jan. 31, 2013).

The following are some, but not all, of the differences between the current and new rules:

- The rules have been completely reorganized and renumbered, starting at Rule 4-7.11 and going through 4-7.23 – Rules 4-7.1 through 4-7.10 will be vacant
- All advertisements must be filed at least 20 days in advance of their planned use, unless they are exempt - Rule 4-7.19(a)
- All ad rules apply to websites and social networking and video sharing sites in addition to other media such as print, t.v. and radio - Rule 4-7.11(a) [Websites will remain exempt from the filing requirement – Rule 4-7.20(g)]
- Unduly manipulative techniques are prohibited, including appeals to emotions rather than rational evaluation of lawyer qualifications – Rule 4-7.15(a)
- Ads may not use authority figures, or actors portraying authority figures, to endorse, recommend, or act as a spokesperson for, the advertising lawyer – Rule 4-7.15(b)
- Lawyers may not offer economic incentives to view an ad or hire a lawyer, except for a discounted fee – Rule 4-7.15(d)
- Nonlawyers may not pay for a lawyer’s ads – Rule 4-7.17(c)
- Every page or panel of a direct mail advertisement and its envelope must include a prominent “Advertisement” in ink that contrasts with both the background and other text – Rule 4-7.18(b)(2)(B)
- Direct email advertisements must begin the subject line with the word “Advertisement” – Rule 4-7.18(b)(2)(B)
- Direct email ads, in addition to other direct mail ads, must include a statement of qualifications and experience – Rule 4-7.18(b)(2)(C)
- Lawyer referral service ads must contain an affirmative statement that lawyers pay the service to get referrals – Rule 4-7.22(a)(11)
- New rule 4-7.23 defines and imposes requirements for lawyers participating in lawyer directories

Changes lessening restrictions include:

- Ads may contain:
 - objectively verifiable past results – Rule 4-7.13(b)(2)
 - objectively verifiable characterizations of skill, experience, reputation or record – Rule 4-7.13(b)(3)
 - testimonials, subject to specific restrictions and disclaimers – Rule 4-7.13(b)(8)
- The geographic disclosure of a bona fide office may be by county instead of or in addition to city or town – Rule 4-7.12(a)(2)
- The name of the law firm can be used in the advertisement in addition to or instead of the name of the lawyer responsible for the content – Rule 4-7.12(a)(1)

A copy of the Court’s order and additional information on the new rules is available on The Florida Bar website at www.floridabar.org under “Advertising Rules.”

How to Market Your Law Firm and Build Your Book of Business

by Ron Stein of FastPath Marketing, LLC

You've been told that selling services is much more difficult than selling products. After all, the only thing potential clients see is a professional service that's the same no matter who they choose. Right?

Nonsense! Whoever started that rumor probably believed that you've got to work harder as an attorney than businesses that offer things people can see and touch. Yet, it turns out that marketing services and products have much in common.

For starters, you must demonstrate expertise, differentiate your firm, build trust, and establish the value you provide -- just like a product company. Plus, many of the tools and tactics you'll use are just about the same, just tailored for lawyers.

Marketing professional services has been called selling the invisible. Here's how to stand apart from your competitors and make your business visible.

List all the value you add as measured by your clients. "Value" can mean different things to each of your prospects. Put yourself in your client's shoes, viewing the world from their perspective. First, develop your ideal client profile. Now you're ready to make a list of what you offer that your competition doesn't -- such as additional services and alliances that make for one-stop shopping, onsite visits, twenty-four hour Internet chat or telephone help line, and so on. If your clients are business owners and executives, think in terms of how you help them increase profits, do things

faster, do their job more efficiently, or some other way to help them achieve their goals. Stuck? Survey current clients and ask what they like best about working with you and with your firm.

Make your firm and services visible and likeable. You have a wonderful opportunity to accomplish two different goals at once -- drive more traffic to your website and have prospects see you in action without any over the top selling. Effective online marketing gets visitors to your website and then moves them to contact you. To do this, educate prospects about the law specific to your specialty and key topics of interest to your audience -- search engines will immediately pick up on the relevancy. Other important elements include describing your competitive differentiation, case results, blog, and client testimonials when appropriate. Don't forget to encourage visitors to view your videos.

Video marketing content sells. Video dramatically improves search engine placement, engages viewers, and communicates your message and expertise. Make a series of videos and keep most of them short -- under 90 seconds to two minutes. The focus is on the prospective client, their issues, and information they can use. Professionally produced videos match the feeling of confidence and quality that properly represents your firm. Aside from posting the videos on your website, create a YouTube channel, include them in your blog, Tweet them, and send them out as part of


a news release. When you can't meet prospective clients in person, there's no better way for them to look you in the eye, judge your expertise, and decide they like you.

Help your client like no one else can. Since the prime concern is your clients, go out of your way to help them grow -- both on a personal level and for their businesses. Do that consistently and they'll know you have their best interest at heart. Plus, it's a great way to spread the word for your business when existing clients boast to others, "my lawyer does this and this for me, does yours?" The sky is the limit on what you can do. Here are two highly effective techniques to try: have a mini seminar regularly in your office where an outside expert talks about topics of interest to your target clients and prospects. Also, send out a newsletter that's full of helpful marketing tips and updates of new industry regulations that touch their business. This is the true meaning of value-add that your competition does not do.

As a professional services provider you market relationships and value. So instead of trying to "sell" your services, give prospects the confidence that you are the expert they can rely on and trust to get the job done.

Develop a marketing strategy and a consistent, end-to-end process to manage a prospect from lead origination to engagement and retention. Then constantly add value in every way possible and watch your law practice grow.

Ron Stein is the president of Fast-Path Marketing, LLC located in St. Petersburg, Florida. Mr. Stein works with solo and small law firms as well as other small businesses, helping them energize their marketing and sales. He writes a popular weekly column in Florida Trend Business Magazine and has been a marketing and sales mentor, consultant, and workshop presenter for over 10 years. Mr. Stein may be contacted at <http://Marketing-Strategies-Guide.com> and 727-398-1855.

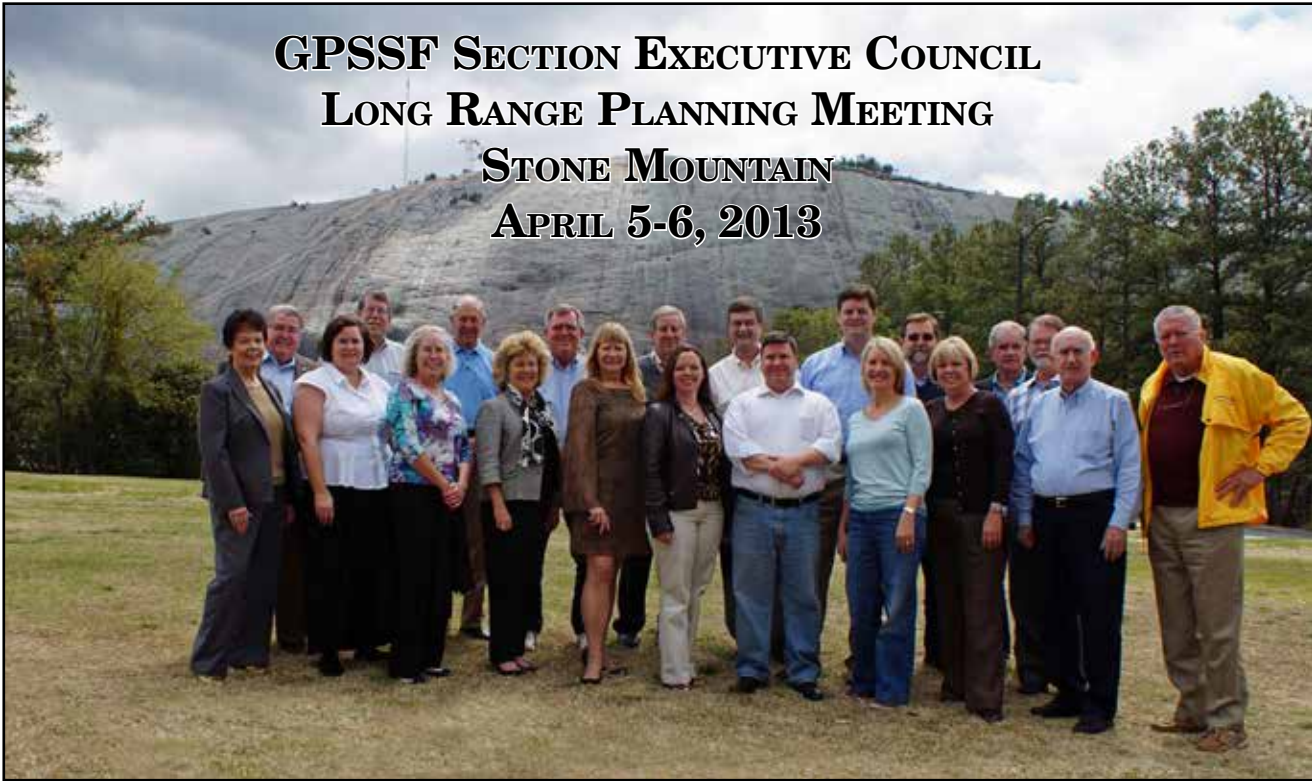


**Moving?
Need to update
your address?**

The Florida Bar's website (www.FLORIDABAR.org) offers members the ability to update their address and/or other member information.

The online form can be found on the web site under "Member Profile."

**GPSSF SECTION EXECUTIVE COUNCIL
LONG RANGE PLANNING MEETING
STONE MOUNTAIN
APRIL 5-6, 2013**



FEDERAL TAXES

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ment creditor would not be able to levy on the policy to satisfy the judgment. *See*, Fla. Stat. § 222.13.

According to the applicable Florida homestead law, if one's home is located outside a municipality, then the homestead property is exempt to the extent of 160 acres of contiguous land. If one's home is located within a municipality, then the homestead property exemption is limited to one-half acre. *See*, Fla. Const. Art. 10 § 4(a)(1).

Thus, it is clear from the above summary that, generally speaking, in Florida, IRAs, 401Ks, annuities, life insurance policies and homestead property are exempt from judgment creditor levy provided that they were created and maintained in accordance with the applicable laws. However, the same rules do not apply to the IRS with respect to collecting federal taxes.

Pursuant to 18 U.S.C. § 3613(a), only certain enumerated items set forth in 26 U.S.C. § 6334 are exempt from levy by the IRS for the payment

of federal taxes. These enumerated items include but are not limited to: wearing apparel, unemployment benefits, certain pension payments, workmen's compensation, a minimum exemption for wages, and the principal residence of the taxpayer in certain instances. Any assets owned by the taxpayer not specifically listed in 26 U.S.C. § 6334 may be levied on by the IRS. Therefore, because IRAs, 401Ks, most annuities and life insurance policies are not included in the list of exempt property set forth in 26 U.S.C. § 6334, these assets are not exempt from levy by the IRS for the payment of federal taxes.

With respect to one's homestead property, the IRS may not levy on a homestead in order to satisfy a federal tax liability of \$5,000 or less. *See*, 26 U.S.C. § 6334(a)(13)(A). However, presuming that the federal tax liability is in excess of \$5,000, the IRS may levy on one's homestead provided that the IRS obtains written approval of the levy from a U.S. district court. Typically, for the IRS to obtain the necessary approval, the IRS would file a petition for judicial approval of levy upon one's primary residence, pursuant to section 6334(e)(1), for the purposes of collecting unpaid federal taxes. The IRS may attach to the

petition an IRS officer's declaration, stating that (1) the officer reviewed the applicable IRS records and determined the federal tax amount owed by the taxpayer; (2) the IRS gave the taxpayer notice and demanded payment of the liability, but the taxpayer failed to pay; (3) the IRS attempted to satisfy the liability from assets other than the taxpayer's private residence, but found that no reasonable alternative existed; and (4) the IRS generally followed the requirements of applicable law and administrative procedures. *See*, U.S. v. Gentile, 2009 WL 840601 (11th Cir. 2009).

This article only briefly addresses these issues and is not intended to be an exhaustive discussion of all issues relating to or concerning exemption laws, the rights of the IRS as a creditor, or the rights of other judgment creditors.

Iurillo & Associates, P.A., located in St. Petersburg, is comprised of **Camille J. Iurillo**, Shareholder, **Gina M. Pellegrino**, Associate, and **Sabrina C. Beavens**, Associate. The primary areas of practice of **Iurillo & Associates, P.A.** are Commercial and Bankruptcy Litigation, Debtors' and Creditors' Rights, and Foreclosures/Workouts.



Practicing the Island Way: St. Kitts, Out of Country Seminar



This group of CLE participants in the General Practice, Solo and Small Firms Section's Out-of-Country CLE to St. Kitts, "Practicing the Island Way," not only benefitted from the morning seminar that included FLMIC's Risk Manager, Nancy Stuparich, the Center for Professionalism's Linda Calvert Hanson and a St. Kittian attorney, Damian Kelsick talking about island trusts, off-shore banking and buying real estate, but the attendees and their families also enjoyed interacting with island dignitaries and attorneys, taking in the sights and relaxing in paradise.

Nancy Stuparich, Risk Manager for FLMIC
(premier partner of GPSSF Section)
presenting in St. Kitts.

